

SUBJECT: Texas Department of Corrections employee benefits

COMMITTEE: Corrections: favorable, without amendment

VOTE: 6 ayes--Hightower, Telford, Garcia, Chisum,
Grusendorf, Shine

0 nays

3 absent--S. Johnson, Repp, Valigura

SENATE VOTE: On final passage, April 3 -- voice vote

WITNESSES: For--None

Against--None

On--David McNutt, Texas Department of Corrections (TDC)

DIGEST: SB 733 would allow TDC employees to carry over any amount of accrued vacation or compensatory leave time from one fiscal year to the next, if they could not take the time off because of staffing requirements. Only that leave time actually taken off could be deducted from the accumulated amount. Upon leaving employment an employee's accrued time would be calculated at the hourly rate last earned by the employee and paid on the employee's last day.

SUPPORTERS SAY: TDC employees, the security backbone of the state, are being punished for being good employees. Due to budget constraints and court-ordered staffing limits, overworked TDC employees have been forced to build up considerable amounts of vacation and compensatory leave time that, due to the nature of their job, they cannot take off without leaving the prison system understaffed. Collectively, they lost over \$200,000 in vacation time alone during fiscal year 1988.

The General Appropriations Act allows state employees to carry over only a limited amount of unused vacation time (maximum 168 to 376 hours) or compensatory leave (maximum 480 hours for "public safety activity") from one fiscal year to another. It also prohibits employees from being paid for unused time. The state should allow TDC personnel at least as much leeway as is given to higher education personnel, who are allowed

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to carry over accrued time if taking it would disrupt their teaching, research or other critical functions.

OPPONENTS
SAY:

This bill would set a precedent that could prove expensive for the state. TDC will have to pay its employees for vacation and comp time that would be carried forward year after year, without the annual 'use it or lose it' limits placed on other state employees. Those who eventually leave employment with the prison system would not only be paid for their unlimited accumulation of unused time, but at a higher salary level than when they originally accumulated that time, which could eventually run into hundreds of thousands of dollars. Other state employees, who also work long hours and accumulate comp time that they cannot use, would be justified in seeking similar special treatment.